

Exhibit X

From: [Del Kolde](#)
To: [Gonzalez, Javier](#); [Glover, Joel](#)
Cc: [Babcock, Chip](#); [Aston, Adam](#); [Dow, Matt](#); [Barake, Gabriela](#); [Stephanie Brown](#); michael@lovinslaw.com
Subject: Lowery v. Mills: DWQ response and request for further information
Date: Tuesday, April 18, 2023 7:51:19 PM
Attachments: [image001.png](#)
[image002.png](#)

Dear Joel and Javier:

This email is to follow-up on your DWQ responses, our prior discussion about stipulating to responses, and to request that you supplement the responses.

First, with the exception of the reservation identified below, we have determined that the responses substantially answered the DWQ questions and, in the interest of saving further time and expense, we are willing to stipulate to accept those responses in lieu of Defendants formally sitting for their DWQ on April 25, 2023 or an alternate date. We are striking the depositions set for April 25 at Mike's office. This stipulation is with the reservation expressed below and with the understanding that if Defendants choose to send DWQs to Lowery, he may utilize the same process.

Second, we are requesting the following supplemental information:

1. **Identification of communications with UT counsel:** The Mills and Burris responses both refer to responsive communications that they had with representatives of the UT legal counsel's office (Amanda Cochran-McCall and Adam Biggs), but provide limited or no information about the format of those communications, their timing, or who participated in those conversations. We understand that you are claiming that the specific content of those conversations is privileged and we are not asking you to disclose that content at this time, but we are asking you to supplement the information about the format, timing, and participants in those conversations, so that information comparable to the other responsive communications is being disclosed. By way of comparison, that would be like a deposition witness disclosing a meeting with counsel to prepare for a deposition.
2. **Emails referred to and relied on in the DWQ responses:** The Mills and Burris responses both refer to and summarize email communications that are relevant to Lowery's claims, but have so-far not been disclosed to Lowery. Specifically, an anonymous email complaint to the UT compliance office about Lowery's appearance on the Hanania podcast dated Aug. 9, 2022, an email from Caitlin Mullaney dated Aug. 5, 2022, Aug. 11, 2022 emails with donors about Lowery's speech, an Aug. 12, 2022 email with Mike Rosen about syllabus issues related to Lowery's speech, and Aug. 16-17, 2022 emails with various persons about syllabus issues. We don't have copies of these emails and they are relevant to the claims in this case and have already been collected and identified by UT. In accordance with Rule 29, we are asking you to voluntarily produce the emails referenced above and in the DWQ responses.
3. **Rule 26(f) conference availability:** We have requested dates for the Rule 26(f) conference three times and received no response. Per CV-16(c) and FRCP 16(b)(2), that conference must occur before May 1, 2023 (no later than 60 days after your

appearance on March 2, 2023). Please provide proposed dates for the conference.

We are available to confer on these issues this Friday from about 10AM – 5PM CT. If we cannot reach a satisfactory resolution on these issues, we plan to move to compel.

Sincerely,

Del Kolde
Senior Attorney
Institute for Free Speech

From: Del Kolde
Sent: Monday, April 17, 2023 15:57
To: Gonzalez, Javier <jgonzalez@jw.com>
Cc: Babcock, Chip <cbabcock@jw.com>; Aston, Adam <aaston@jw.com>; Dow, Matt <mdow@jw.com>; Barake, Gabriela <gbarake@jw.com>; Glover, Joel <jglover@jw.com>; Stephanie Brown <sbrown@ifs.org>; michael@lovinslaw.com
Subject: RE: Lowery v. Mills: Notices of Depositions by Written Questions - Service of Responses

Dear Javier:

I'm acknowledging receipt of UT's responses. We will review these, discuss internally and get back to you or Joel in the next day or two. In the interim, we ask that, if it has not done already, UT take steps to preserve the "anonymous email" referred to in the Burris response:

Jeff Graves	On August 9, 2022, Chief Compliance Officer Jeff Graves forwarded an anonymous email to me and Dean Mills asking the Compliance Office and Faculty Council to review the Hanania podcast interview (Lessons from the Frontlines of the University Wars) for potential violations of ethical standards. Graves stated this appeared to be a personnel issue for Dean Mills and me to review. I did not respond.
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Specifically, we are asking that all metadata associated with the original "anonymous email" be preserved, including email header information, IP addresses or other information that might be used to identify the sender or location of the sender.

Thanks.

Del Kolde
Senior Attorney
Institute for Free Speech

From: Gonzalez, Javier <jgonzalez@jw.com>

Sent: Monday, April 17, 2023 14:57

To: Del Kolde <dkolde@ifs.org>; Stephanie Brown <sbrown@ifs.org>; michael@lovinslaw.com

Cc: Babcock, Chip <cbabcock@jw.com>; Aston, Adam <aaston@jw.com>; Dow, Matt <mdow@jw.com>; Barake, Gabriela <gbarake@jw.com>; Glover, Joel <jglover@jw.com>

Subject: RE: Lowery v. Mills: Notices of Depositions by Written Questions - Service of Responses

Del,

Please see the attached responses as required by the MJ's order.

Thanks,

Javier Gonzalez | Associate

1401 McKinney Suite 1900 | Houston, TX | 77010

V: (713) 752-4453 | jgonzalez@jw.com



From: Del Kolde <dkolde@ifs.org>

Date: April 7, 2023 at 5:17:32 PM CDT

To: "Glover, Joel" <jglover@jw.com>

Cc: "Dow, Matt" <mdow@jw.com>, "Babcock, Chip" <cbabcock@jw.com>, Stephanie Brown <sbrown@ifs.org>, Michael Lovins <michael@lovinslaw.com>

Subject: Lowery v. Mills: Notices of Depositions by Written Questions

****RECEIVED FROM EXTERNAL SENDER – USE CAUTION****

Joel et al.:

Per the MJ's order, attached please find our Rule 31 deposition notices with a list of 10 questions for each defendant. We have tentatively set the depositions to occur on April 25, 2023 at Mike's office, staggered one hour apart, starting at 900 AM. We are willing to work with you on rescheduling these depositions within a few days of the date, for the convenience of the witnesses. We would, however, prefer to take all testimony in one go, if possible, in order to avoid successive appearance fees.

We will expect to get your responses or objections within 10 days, as per the MJ's order.

I will also drop a hard copy of these notices into the US mail to you – but, in the future, it would be preferable if we could agree to serve discovery documents via email and on a reciprocal basis. Please let me know.

Thanks.

Del Kolde
Senior Attorney
Institute for Free Speech